

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERIC FISHON and ALICIA PEARLMAN,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

PELOTON INTERACTIVE, INC.,

Defendant.

Civil Action No. 1:19-cv-11711 (LJL)

NOTICE OF MOTION

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that upon the annexed Declaration of Megan A. Behrman dated October 15, 2021, and the accompanying Memorandum of Law, the undersigned hereby moves this Court on behalf of Defendant Peloton Interactive, Inc., before the Honorable Lewis J. Liman in Courtroom 15C of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an order excluding the reports and testimony of J. Michael Dennis, Ph.D. and Colin B. Weir pursuant to Federal Rule of Evidence 702 and the Supreme Court's decision in *Daubert v. Merrill Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

Dated: October 15, 2021
New York, New York

Respectfully submitted,

LATHAM & WATKINS LLP



Steven N. Feldman
William O. Reckler
Lilia B. Vazova
Megan A. Behrman
Alexis Kellert
1271 Avenue of the Americas
New York, NY 10020
Tel: (212) 906-1200
steve.feldman@lw.com
william.reckler@lw.com
lilia.vazova@lw.com
megan.behrman@lw.com
alexis.kellert@lw.com

William J. Trach (*pro hac vice*)
200 Clarendon Street
Boston, Massachusetts 02116
Tel: (617) 948-6000
william.trach@lw.com

*Attorneys for Defendant Peloton
Interactive, Inc.*